

Act 166 of the 1989 Regular Session.

Act 166

HB1429

By: Joint Budget Committee

"AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES OF THE DEPARTMENT OF LABOR - EMPLOYMENT SECURITY DIVISION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1991; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established for the Department of Labor - Employment Security Division for the 1989-91 biennium, the following maximum number of regular employees and the grades to be assigned to the respective positions, and the maximum annual salaries for each such position shall be determined in accordance with, but shall not exceed the maximum annual amount, for the grades assigned herein, as established in Arkansas Code 21-5-209 and 21-5-215, the same being the Uniform Classification and Compensation Act. Except where otherwise specifically provided herein, the Classification and Compensation Plan of the Agency shall be governed by the Uniform Classification and Compensation Act, with respect to grade assignments, class titles, position reclassifications, salary adjustments, special entry rates, and salary increase eligibility requirements. The Regular Salary Procedures and Restrictions Act shall be applicable to all positions contained herein.

In addition to the following positions, extra help and additional regular positions are authorized by this Act only as provided in Section 2, EXTRA HELP, and Section 11, ADDITIONAL POSITIONS.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate	
				1989-90	1990-91
(1)	9926	ESD ADMINISTRATOR	1	\$66,247	\$67,903
(2)	9928	ESD CHAIRMAN OF THE BOARD OF REVIEW	1	\$39,736	\$40,730
(3)	714Z	ESD DIR OFC OF FIELD OPERATIONS	1		GRADE 26
	720Z	ESD DIR OFC OF FIN MGMT & ADMN SVCS	1		
	727Z	ESD CHIEF COUNSEL/OFC OF LEGAL SVCS	1		
	731Z	ESD DIR OFC OF EMPLOYMT & TNG SVCS	1		
	732Z	ESD DIR OFC OF UNEMPLOYMENT INS	1		
(4)	716Z	ESD ASSISTANT DIRECTOR	4		GRADE 24
	734Z	ESD CHIEF APPEALS REFEREE	1		
	735Z	ESD CHIEF BENEFIT PAYMENT CONTROL	1		
	736Z	ESD CHIEF OF CONTRIBUTIONS	1		
	827Z	DATA PROCESSING CENTER MANAGER	1		
(5)	711Z	ESD DIVISION CHIEF	7		GRADE 23
	D080	APPLICATIONS & SYSTEMS MANAGER	1		
	710Z	ESD AREA OPERATIONS CHIEF	6		
(6)	R036	ATTORNEY	8		GRADE 22
	A032	AGENCY FISCAL MANAGER	1		
	D046	SYSTEMS APPLICATIONS SUPERVISOR	5		
	V042	GENERAL SERVICES MANAGER	1		
	744Z	ESD EQUAL OPPORTUNITY MANAGER	1		
	795Z	ESD MANAGER II	16		

(7)	799Z ESD MANAGER I	11	GRADE 21
	794Z DATA PROCESSING OPERATIONS MANAGER	1	
	717Z ESD PERSONNEL MANAGER	1	
(8)	D010 DATA BASE ANALYST	1	GRADE 20
	A008 ACCOUNTING SUPV II	6	
	A056 INTERNAL AUDITOR	2	
	C018 ESD COMMUNICATIONS & MEDIA OFFICER	1	
	D036 SR PROGRAMMER/ANALYST	7	
	D038 SYSTEMS PROGRAMMER	3	
	R426 ESD RESEARCH & ANALYSIS MGR	5	
	791Z ESD PROGRAM OPERATIONS MGR	16	
(9)	D040 SYSTEMS ANALYST I	2	GRADE 19
	A154 ESD FIELD TAX REP III	15	
	R050 JTPA PROGRAM REVIEW SUPERVISOR	1	
	R059 ESD APPEALS REFEREE	15	
	R266 MANAGEMENT PROJECT ANALYST II	7	
	R043 ESD PROPERTY MGMT/PURCHASING SUPV	1	
	R344 ESD SATELLITE OFFICE SUPERVISOR	8	
	R496 ESD EMPLOYMENT SVC TEST ANALYST	2	
	X308 ESD TECHNICIAN III	3	
	Y031 ESD PRINT SHOP SUPERVISOR	1	
	Y116 MAINTENANCE SYSTEMS SUPV	1	
	724Z CIVIL RIGHTS COORDINATOR	2	
(10)	D032 JR SYSTEMS PROGRAMMER	2	GRADE 18
	D034 PROGRAMMER ANALYST	45	
	X310 ESD TECHNICIAN II	27	
	A006 ACCOUNTING SUPV I	1	
	A070 ESD FIELD TAX REP II	19	
	D060 ESD DATA PROCESSING COORDINATOR	2	
	R048 BUDGET SPECIALIST	1	
	R136 PLANNING SPECIALIST III	2	
	R168 SUB-GRANT ADMINISTRATOR III	4	
	R237 ESD PROGRAM SUPERVISOR	68	
	R264 MANAGEMENT PROJECT ANALYST I	13	
	R327 ESD RESEARCH & ANALYSIS ANALYST	27	
	V040 PURCHASE AGENT II/PURCHASE AGENT	1	
	W030 RECORDS MANAGEMENT ANALYST II	2	
	X355 ESD U I INVESTIGATOR II	12	
(11)	A071 ESD FIELD TAX REP II	6	GRADE 17
	R014 ESD EXECUTIVE ASSISTANT	1	
	A004 ACCOUNTANT II	17	
	D030 JR PROGRAMMER ANALYST	1	
	G028 BUILDING PLANT MAINTENANCE SUPV II	1	
	R134 PLANNING SPECIALIST II	1	
	R257 ESD INTERVIEWER II	300	
	X312 ESD TECHNICIAN I	6	
	X353 ESD U I INVESTIGATOR I	1	
(12)	D017 DATA PROCESSING SHIFT SUPV I	3	GRADE 16
	K040 ESD UNIT SUPERVISOR II	7	
	R010 ADMINISTRATIVE ASSISTANT II	8	
	Y055 JOURNEYMAN ELECTRICIAN	1	
(13)	A002 ACCOUNTANT I	3	GRADE 15
	A055 ESD FIELD TAX REPRESENTATIVE I	3	
	D061 TELEPROCESSING MONITOR	1	
	R190 PERSONNEL OFFICER II	1	
	R259 ESD INTERVIEWER I	18	
(14)	D005 COMPUTER OPERATOR II	6	GRADE 14

	K044 ESD UNIT SUPERVISOR I	8	
	R009 ADMINISTRATIVE ASSISTANT I	1	
	V039 PURCHASE AGENT I/ASST PURCHASE AGEN	1	
	X336 ESD CLAIMS ADJUDICATOR	31	
(15)	A012 ESD ACCOUNTING CLERK	6	GRADE 13
	D013 DATA CONTROL TECHNICIAN	2	
	K041 EXECUTIVE SECY/ADMINISTRATIVE SECY	7	
	K079 MICRO-PHOTOGRAPHER SUPERVISOR	1	
	K105 REPRO EQUIP OPR SUPV	1	
	K133 MANAGEMENT SUPPORT TECHNICIAN	5	
	K163 DATA ENTRY SUPV II	3	
	V051 STOREROOM SUPV/STORE SUPV	1	
(16)	K039 DOCUMENT EXAMINER II	29	GRADE 12
	A063 PAYROLL OFFICER	1	
	K115 STATISTICIAN ASST II/STATISTICIAN I	2	
	K117 MEDICAL OR LEGAL SECRETARY	3	
	K181 ESD MAILROOM SUPERVISOR	1	
	X330 ESD CLAIMS ADJUDICATOR TRAINEE	1	
(17)	K011 CLERICAL SUPERVISOR	2	GRADE 11
	K153 SECRETARY II	44	
	K161 DATA ENTRY SUPV I/DATA ENTRY OP SUP	1	
(18)	W023 RECORDS CENTER OPERATOR II	2	GRADE 10
	K089 PERSONNEL ASSISTANT	1	
	V043 SHIPPING & RECEIVING CLERK	1	
(19)	A011 BOOKKEEPER I/ACCOUNTING ASST I	1	GRADE 09
	K077 MICRO-PHOTOGRAPHER II	2	
	K103 REPRO EQUIP OPR II/REPRO EQUIP OPR	1	
	K113 STATISTICIAN ASST I	1	
	K155 SECRETARY I	5	
	K159 DATA ENTRY OPERATOR II	14	
(20)	K065 MAIL OFFICER	2	GRADE 08
(21)	W021 RECORDS CENTER OPERATOR I	3	GRADE 07
(22)	G107 BLDG/EQUIP MAINT REPAIRMAN I	1	GRADE 05
	K015 CLERK II	1	
(23)	G171 CUSTODIAL WRKR I	5	GRADE 02
	MAX NO. OF EMPLOYEES	975	

SECTION 2. EXTRA HELP. There is hereby authorized, for the Department of Labor - Employment Security Division for the 1989-91 biennium, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: four hundred (400) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, for the appropriate classification. Any of these positions utilized in a manner which are funded by federal sources are specifically exempt from limitation of hours, either by Act or Regulation.

SECTION 3. APPROPRIATIONS - OPERATIONS. There is hereby appropriated, to the Department of Labor - Employment Security Division, to be payable from cash funds of the Department of Labor - Employment Security Division, for personal services and operating expenses of the Department of Labor - Employment Security Division for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) REGULAR SALARIES	\$ 20,256,688	\$ 20,632,045
(02) EXTRA HELP	3,393,000	3,393,000

(03)	PERSONAL SERV MATCHING		5,148,640	5,411,061
(04)	OVERTIME		1	1
(05)	MAINT. & GEN. OPERATION			
	(A) OPER. EXPENSES	\$ 6,045,001	\$ 6,045,001	
	(B) CONF. & TRAVEL	206,001	206,001	
	(C) PROF. FEES	1,500,000	1,500,000	
	(D) CAPITAL OUTLAY	7,300,000	7,000,000	
	(E) DATA PROCESSING	0	0	
	TOTAL MAINT. & GEN. OPER.		15,051,002	14,751,002
(06)	DISASTER RELIEF PAYMENTS		2,000,000	2,000,000
(07)	TRAINING ALLOWANCES		10,000,000	10,000,000
(08)	PAY TO PART CONTRACTORS		10,000,000	10,000,000
(09)	UI LOAN REPAYMENT		1	1
(10)	ESD SPECIAL FUND		100,000	100,000
(11)	FED. EMP. BENEFIT PAYMENTS		19,000,000	19,000,000
(12)	U.I. BENEFITS - TAXABLE EMPLOYERS		200,000,000	200,000,000
(13)	U.I. BENEFITS - REIMBURSABLE EMPLOYERS		8,500,000	8,500,000
	TOTAL AMOUNT APPROPRIATED		\$293,449,332	\$293,787,110

SECTION 4. APPROPRIATIONS. "REED ACT FUNDS." There is hereby appropriated out of funds made available to this state under Section 903 of the Social Security Act, as amended, for construction and improvement of buildings, rent/lease costs, acquisition of data processing equipment, and/or acquisition of land for the Employment Security Division of the Arkansas Department of Labor for the biennial period ending June 30, 1991, the sum of \$500,000.

No part of the funds hereby appropriated may be obligated after the expiration of the two year period beginning on the date of enactment of this Act in accordance with above referenced Section 903 of the Social Security Act, as amended.

The amount obligated pursuant to this Act during any twelve-month period shall not exceed the amount by which (1) the aggregate of the amounts credited to the account of the State pursuant to Section 903 of the Social Security Act, as amended, during the same twelve-month period and the thirty-four (34) preceding twelve-month periods, exceeds (2) the aggregate of the amounts obligated for administration and paid out for the benefits and charged against the amounts credited to the account of the State during such thirty-five (35) twelve-month periods beginning on July 1 and ending on the next June 30.

SECTION 5. APPROPRIATIONS - ESD SPECIAL FUND. There is hereby appropriated, to the Department of Labor - Employment Security Division, to be payable from the Employment Security Special Fund, for the use of the Department of Labor - Employment Security Division for the biennial period ending June 30, 1991, the following:

(A) For maintenance, repairs, equipment, furnishings, and upkeep of the Administration Building and all other agency-owned buildings, and maintenance of adjacent parking areas of the Department of Labor - Employment Security Division, the sum of \$455,000.

(B) For the acquisition of buildings, acquisitions of land, construction of buildings, and/or modification of existing buildings outside of the Pulaski County area, the sum of \$200,000.

(C) For rent of buildings, the sum of \$ 96,708.

(D) For payment of special improvement district taxes, the sum of \$1,000.

SECTION 6. APPROPRIATIONS - ANNUAL ASSESSMENT. There is hereby

appropriated, to the Department of Labor - Employment Security Division, to be payable from the Employment Security Special Fund, for payment of annual assessment to maintain voting member rights in the Interstate Conference of Employment Security Agencies for the Department of Labor - Employment Security Division for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
_____	1989-90	1990-91
(01) ANNUAL ASSESSMENT	\$ 20,000	\$ 20,000

SECTION 7. APPROPRIATIONS - EXCESS UNEMPLOYMENT BENEFITS AND EXPENSES. There is hereby appropriated, to the Department of Labor - Employment Security Division, to be payable from the Employment Security Special Fund, for payment of unemployment benefits and of expenses incurred in the administration of the Employment Security Law when such expenses exceed funds available from other sources for services performed and/or costs incurred in the administration of such law by the Department of Labor - Employment Security Division for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
_____	1989-90	1990-91
(01) PAYMENT/EXPENSES	\$ 4,000,000	\$ 4,000,000

SECTION 8. APPROPRIATIONS - JOBS TRAINING PARTNERSHIP ACT. There is hereby appropriated, to the Department of Labor - Employment Security Division, to be payable from the Department of Labor - Employment Security Division Federal Fund, for grant payments of the Jobs Training Partnership Act by the Department of Labor - Employment Security Division for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
_____	1989-90	1990-91
(01) GRANT PAYMENTS	\$ 45,000,000	\$ 45,000,000

SECTION 9. APPROPRIATIONS. There is hereby appropriated, to the Department of Labor - Employment Security Division, to be payable from the Employment Security Advance Interest Trust Fund to allow transfer of funds from the Advance Interest Trust Fund to the Unemployment Insurance Trust Fund, for payment of unemployment insurance benefits, and to pay Unemployment Insurance Trust Fund loan interest, if needed, for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
_____	1989-90	1990-91
(01) UI TRUST FUND TRANSFER	\$ 750,000	\$ 750,000
(02) LOAN INTEREST	1	1
TOTAL AMOUNT APPROPRIATED	\$ 750,001	\$ 750,001

SECTION 10. OVERTIME. The Employment Security Division is authorized to pay overtime pay for overtime work to State employees covered by this appropriation act in accordance with the General Accounting and Budgetary Procedures Law and the rules and regulations promulgated thereunder by the Chief Fiscal Officer of the State.

SECTION 11. ADDITIONAL POSITIONS. The Administrator of the Employment Security Division, after receiving the approval of the Office of Personnel Management, and after seeking the prior review by the Arkansas Legislative

Council, shall have the authority to establish such new or additional full time positions as may become necessary to carry out the objectives of the program and/or to meet Federal requirements of new and/or expanded programs where such needs are financed by federal funds; provided that not more than two hundred persons may be employed in addition to those authorized in the salary schedule and that the rate of pay shall not exceed those set out in the salary schedule for comparable positions as authorized under the provisions of Section 1 of this Act.

SECTION 12. TRANSFER OF APPROPRIATION. Subject to such rules and regulations as may be implemented by the Chief Fiscal Officer of the State and after having sought the prior review by the Arkansas Legislative Council, the Administrator of the Employment Security Division is hereby authorized to make transfers from any appropriation made by this Act to any other appropriation made by this Act with the exception of the "Reed Act Funds" appropriations set forth in Section 4 of this Act, and of the appropriation made for Regular Salaries or Maintenance and General Operation. Such transfers may be made whenever it appears, by projecting the expenditures of any of the appropriations in this Act, that there will be a deficiency of appropriation in one item and that there will be a corresponding excess of appropriation in another item or items which may be transferred. The transfer of appropriation shall be effected only on approval of the Chief Fiscal Officer of the State. Provided, however, that no transfer of appropriations may be authorized to increase the total amount appropriated for Regular Salaries, or Maintenance and General Operations, except as may be authorized elsewhere by law.

SECTION 13. CARRY FORWARD. Any unexpended balance of appropriation made by this Act, with the exception of appropriation made for Regular Salaries and Maintenance and General Operation, which remains at the close of the fiscal year ending June 30, 1990, shall be transferred forward and made available for the same purpose for the fiscal year ending June 30, 1991.

SECTION 14. REPORTING. The Employment Security Division shall report quarterly to the Arkansas Legislative Council the number of registrants or recipients of Food Stamps interviewed, the number of job referrals made, and the number of registrants or recipients of Food Stamps placed in jobs. This report shall be made for each county or district office; provided the Employment Security Division has federal funds available and specifically identified for use in providing such services.

SECTION 15. RESTRICTIONS. Upon approval and implementation of the Office of Personnel Management's (OPM) classification recommendations of September 17, 1984, to be effective July 1, 1985, incumbents who occupied specified positions in the following recommended classifications or titles on or before September 17, 1984, and who remain in those classifications and/or specified positions, shall continue to be paid at the grade authorized for that classification and position which was in effect on June 30, 1985. Employees who entered these classifications and/or specified positions after September 17, 1984, shall be paid at the OPM recommended classification and pay grade, as specified below:

ESD FY 85-87				OPM
Payroll				June 30, 1985
Position	Class		Authorized	Recom.
Numbers	Code	Title/Class	Grade	Pay Grade
0030	A032	Agan. Fiscal Mgr.	22	21
0044	V042	ESD Gen.- Sys. Mgr.	22	21
0181	X308	ESD Tech. III (Reclassify to	19	18

0184		X310 ESD Tech. II, Grade 18)		
0128	A154	ESD Field Tax Repr. III (Re- classify to X355 UI investi- gator II, Grade 18)	19	18
0192; 0193; 0195; 0196; 0197; 0198; 0199; 0200; 0201; 0202; 0203; 0204; 0205; 0206; 0207; 0208; 0209; 0210; 0211;	A070	ESD Field Tax Repres. II	18	17
0755; 0757;	X312	ESD Tech. I (Reclassify to K040,17 ESD Unit Supv. II, Grade 16)		16
0866; 0867; 0868; 0869; 0870	A012	ESD Acctg. Clerk III (Reclas- sify to K039, Document Examiner II, Grade 12)	13	12

SECTION 16. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this Act shall be limited to the appropriation for such agency and funds made available by law for the support of such appropriations; and the restrictions of the State Purchasing Law, the General Accounting and Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary Procedures and Restrictions Act, or their successors, and other fiscal control laws of this State, where applicable, and regulations promulgated by the Department of Finance and Administration, as authorized by law, shall be strictly complied with in disbursement of said funds.

SECTION 17. LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds disbursed under the authority of the appropriations contained in this Act shall be in compliance with the stated reasons for which this Act was adopted, as evidenced by the Agency Requests, Executive Recommendations and Legislative Recommendations contained in the budget manuals prepared by the Department of Finance and Administration, letters, or summarized oral testimony in the official minutes of the Arkansas Legislative Council or Joint Budget Committee which relate to its passage and adoption.

SECTION 18. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 19. EMERGENCY CLAUSE. It is hereby found and determined by the Seventy-Seventh General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1989 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1989 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1989.

APPROVED: February 21, 1989
